IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 14562 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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URMILABEN CHAMBAKBHAI PATEL - Petitioner(s)
Versus
THE STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :
MR CHETAN K PANDYA for Petitioner(s) : 1,
GMR NIRAJ SONI AGP for Respondents

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 17/09/2007

ORAL JUDGMENT

1. Leave to amend.
2. Rule. Mr.Niraj Soni, learned Assistant Government Pleader waives the service of rule for respondents.

3. At the request of the parties, the matter is taken up for final hearing.

4. Heard Mr.Chetan K.Pandya, learned counsel for the petitioner and Mr.Niraj Soni, learned Assistant Government Pleader for State.

5. The petitioner has approached this Court to obtain appropriate directions to the respondents, more particularly respondent No.5 to rectify the Birth Certificate of the petitioner. It is stated by the petitioner that she was born on 10/3/1956 at village Shampura (Rundhi) and at the time of her birth, her name was entered in the Birth Register as Godavariben daughter of Hirabhai Lallubhai Patel. According to her, her correct maiden name is Urmilaben. She has further stated that correct name of her father is Haribhai Lallubhai Patel. However, in the Birth Register, it has been mentioned as Hirabhai Lallubhai Patel and on the basis of such Birth Register, Birth Certificate has been issued which contains incorrect names of the petitioner as well as her father. She, therefore, went to the concerned authority with an application requesting to rectify the Birth Register and make amendment in the Birth Certificate of the petitioner, however, by order dtd. 1/5/2007 the said

application has been rejected by the Mamlatdar, Kamrej on the ground that there is no legal provision to rectify the Birth Register. Hence, she has preferred this petition.

6. It is submitted by Mr.Pandya, learned counsel for the petitioner that the respondents have power to rectify the Birth Register. In support of his submission, he has placed reliance upon the decision rendered by this Court in the case of Jagdishbhai Parbhubhai Patel Vs. State of Gujarat in Special Civil Application No.18273 of 2007 dtd.24/7/2007.

7. I have perused the same. In the said judgement, it has been held that the Registrar of the local area is having power to rectify the Birth Records including Birth Certificate even after a lapse of 15 years. It is also observed in the said judgement that the Talati-cum-Mantri of the Village has power to carry out necessary corrections as Registrar. In view of the same, the following directions:-

(i) The petitioner will make a fresh application to the respondent No.5 – Talati-cum-Mantri, Village Timba, Taluka Kamrej, District ; Surat for necessary corrections.

(ii) Upon receiving the application along with other relevant material from the petitioner, the respondent No.5 – Talati-cum-Mantri, Timba, upon due scrutiny of the

material, if finds proper, shall make necessary corrections in the Birth Register and shall issue corrected Birth Certificate to the petitioner.

8. The petition is allowed. Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

Direct service is permitted.

(AKSHAY H.MEHTA, J.)

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